

CCDLA  
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FOUNDED IN 1988

Connecticut Criminal Defense  
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April 15, 2013

Hon. Eric D. Coleman, Co-Chair  
Hon. Gerald M. Fox, Co-Chair  
Joint Committee on Judiciary  
Room 2500, Legislative Office Building  
Hartford, CT 06106

Re: Raised Bill 6701

Dear Chairmen Coleman and Fox:

CCDLA is a not-for-profit organization of more than three hundred lawyers who are dedicated to defending persons accused of criminal offenses. Founded in 1988, CCDLA is the only statewide criminal defense lawyers' organization in Connecticut. An affiliate of the National Association of Criminal Defense Lawyers, CCDLA works to improve the criminal justice system by insuring that the individual rights guaranteed by the Connecticut and United States constitutions are applied fairly and equally and that those rights are not diminished.

CCDLA opposes Raised Bill 6701. Raised Bill 6701 amends subsection (g) of Connecticut General Statutes § 14-227a to include language making it a class D felony to operate a motor vehicle, with a child under sixteen years of age in the vehicle, while under the influence of drugs or alcohol in violation of Connecticut General Statutes § 14-227a. This law seems well intentioned but unnecessary as the conduct is already encompassed, although not specifically, in another statute. Connecticut General Statutes § 53-21 makes it a crime to "wilfully or unlawfully causes or permits any child under the age of sixteen years to be placed in such a situation that the life or limb of such child is endangered, the health of such child is likely to be injured or the morals of such child are likely to be impaired, or does any act likely to impair the health or morals of any such child." This risk of injury statute provides a vehicle for the state to prosecute the conduct that is targeted by this bill. There is no need to add this language to §14-227a of the General Statutes.

Since the conduct is already prohibited by another statute, the additional language being added to §14-227a serves only to further complicate the statute unnecessarily. It is important that our laws are not so convoluted that they make it difficult for the average citizen to understand. Our DUI laws should remain as clear and concise as possible. The proposed language is not needed.

The proposed legislation also amends subsection (b) of §14-227j of the general statutes to provide that a Court shall order someone arrested for subsection (a) of §14-227a, §53a-56b, or

§53a-60d, not to operate a motor vehicle without an ignition interlock device if there was a child under the age of sixteen years old in the vehicle at the time of the arrest. The statute already provides the Court with the option to impose the condition that someone arrested for these offenses be required to use the device. The change in the law only serves to take discretion away from the Judge by making the language mandatory "shall" as opposed to "may". Our Judges are there for a reason and that is to make decisions based on the facts and evidence of each particular case. This law unnecessarily makes mandatory that which the Court has discretion to impose.

Please contact me if you have any questions regarding our position on this bill. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ioannis A. Kaloidis".

Ioannis A. Kaloidis – CCDLA Member at Large  
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